

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**UNITED STATES OF AMERICA EX  
REL. RAVINDRA GOGINENI,**

No. 1:17-cv-00096

Plaintiff,  
v.  
OPINION AND ORDER

**FARGO PACIFIC INC., JAY S.H.  
PARK, and EDGAR L. MCCONNELL,**

Defendants.

**MOSMAN, J.**

On January 19, 2024, Magistrate Judge Michael J. Bordallo issued his Report and Recommendation (“R&R”) [ECF 223], recommending that the harm here is a loss to the 8(a) program and otherwise eligible small businesses, and the benefit received by the government is only relevant to offset damages related to the performance of the roofing work. Defendants jointly filed an objection [ECF 231] on January 24, 2024, to which Relator responded on January 26, 2024 [ECF 233]. Upon review, I agree with Judge Bordallo. I find that the harm here is a loss to the 8(a) program and a loss to otherwise eligible small businesses. I further find that the benefit received by the government should not be used to offset damages aside from those related to performance of the roofing work.

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## **DISCUSSION**

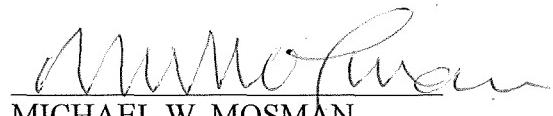
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the R&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the R&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the R&R. 28 U.S.C. § 636(b)(1)(C).

## **CONCLUSION**

Upon review, I agree with Judge Bordallo's recommendation, and I ADOPT the R&R [ECF 223] as my own opinion.

IT IS SO ORDERED.

DATED this 31<sup>st</sup> day of January, 2024.



MICHAEL W. MOSMAN  
Senior United States District Judge